

MINUTES

Members Present: Chair Stassens; Commissioners, Chroust-Masin, Hall, Hillestad, Morgan, Pirisky, and Thomas

Members Absent: Commissioners Geary and Tiedge

Staff Present: Mr. Koch, Mr. Montgomery, Mr. Pomeroy, and Ms. Sullivan

Chair Stassens called the work session to order at 6:32 p.m.

1. Work Session

- ◆ For the purpose of receiving training in land use and public hearing laws and procedures.

City Attorney David Koch briefly explained the purpose of the work session. He stated that all of the City's governing bodies will be going through a series of refresher trainings and best practices related to a variety of subjects.

Mr. Koch explained that the training material for this work session would include: public meeting laws; ethics laws; conflicts of interest; and, public hearing process.

Mr. Koch showed a short video, provided by the League of Oregon Cities, on public meeting laws. The video summarized which governing bodies must abide by these laws and what constitutes a public hearing/meeting.

Mr. Koch asked the commissioners if there were any questions; there were none. He then gave an example of a "series" public meeting, noting a Circuit Court case in Lane County where public officials met individually outside a public meeting to discuss topics that were later determined by the court to be part of a public meeting. He stressed that no matters that could be heard during a public meeting should be discussed outside of that meeting, even if speaking individually with another city official.

Continued discussion occurred regarding the public meetings, prior discussion with staff and the recommendations within staff reports, and other examples of how to handle various situations.

Mr. Koch played another video, also provided by the League of Oregon Cities, on the subject of conflicts of interest, outlining what conflicts of interest are and how to respond to them. The video explained that a conflict of interest usually involves money in the context of "financial gain" or "avoiding financial detriment." The video also highlighted

that conflict of interest includes you, your family, and any business associated with you, with the exception of a non-profit.

Mr. Koch asked if there were any questions.

Some discussion then occurred with examples given of potential conflicts of interest and how/when the commissioner should declare a conflict of interest. Mr. Koch explained that if there is an actual conflict of interest, the commissioner should declare such, then excuse themselves to sit in the audience while the matter is being heard. Mr. Koch then explained the "rule of necessity" and gave an example of when that would be required.

Mr. Koch then handed out a printed presentation regarding types of land use hearings and what procedures to follow when making decisions. There was discussion on these individual topics specific to interpretations of criteria, declaring additional information observed during a site visit, and adding additional conditions of approval to an application.

Mr. Koch then explained the remaining procedural rights. For example, being impartial and unbiased, conflicts of interest, continuance or holding the record open, final rebuttal, and the 120-day rule.

There was a brief discussion on the difference between holding the record open and continuing a hearing and what happens if the 120-day rule passes without a decision being made. Mr. Koch stated that if the final decision is not reached within 120 days, the applicant has the right to file a "writ of mandamus," which is filed in Circuit Court. Once there, the court is mandated to grant approval unless there would be a clear violation of the zoning ordinance or comprehensive plan.

2. Old/New Business

Mr. Montgomery informed the Commission that there would be two items before the commission at their July 21st meeting. He briefly explained the conditional use permit application for an orchard at an established church, and the appeal of the denial of a Land Use Compatibility Statement (LUCS) form for a proposed recreational marijuana sales establishment.

3. Adjournment

Commissioner Morgan MOVED to adjourn the meeting; SECONDED by Commissioner Chroust-Masin. The motion PASSED unanimously. Chair Stassens ADJOURNED the meeting at 8:40 p.m.


Secretary